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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,578	09/18/2000	Stephen C. Roderick	003869.P001C	3952

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/664,578

Applicant(s)

RODERICK, STEPHEN C.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: original application filed 9/18/2000, IDS filed 1/4/2002 (as paper 2). Application is a continuation of U.S. Application serial no. 09/228,259 filed 1/11/1999 (now U.S. Patent No. 6,122,648).
2. Claims 1-26 are pending. Claims 1, 12, 21 are independent claims.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. In particular, pages 20, 21, and 26 of Applicant's disclosure contain executable hyperlinks.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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5. Pending claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,122,648 (hereinafter Roderick '648). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.

In regard to pending independent claims 1, 12, 21, claims 1, 8, 14 of Roderick '648 teaches an apparatus, method, and article of manufacture with storage device for querying an information server, retrieving information, and dynamically generating instructions requesting a page if said page does not exist.

Roderick '648 does not specifically teach a "resource identifier". However, claims 1, 8, 14 of Roderick '648 teaches a real estate identifier, which suggests a resource identifier. It would have been obvious to one of ordinary skill in the art at the time of the invention for Roderick '648 to use said resource identifier, providing Roderick '648 the benefit of said identifiers for more accurate queries.

In regard to pending dependent claims 2-11, 13-20, 22-26, claims 2-7, 9-13, 15-18 of Roderick '648 teach the pending claimed limitations substantially as claimed.

In addition, Roderick '648 does not specifically teach "ISPID", or "VIN" codes. However, claims 1, 8, 14 of Roderick '648 teach a real estate identifier, which suggests various forms of identifiers (i.e. ISPID, VIN, UPC, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use said various identifiers in order to broaden the scope of querying.

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Claim Rejections - 35 USC § 103

6. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-8, 12-18, and 21-24 are rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al (5,897,622), in view of Nazem et al (5,983,227), and in view of Bij nagte (5,235,680) (said three references listed on Applicant's IDS).**

As per independent apparatus claim 1 (and similarly, method claim 12, and storage medium claim 21), and dependent claims 2 and 6 (and similarly, claims 15-16, 22, and 24), Blinn discloses processing queries, including the dynamic ,generation of web pages (see columns 3-4), in which a page is composed for display by processing a template having a request for information from an order.

Refer also to Blinn's figures 2, 3A, 3B, 5, 10, 12, 14, in which various embodiments illustrating the operation of the dynamic page generator are disclosed. It is, noted that Blinn fails to disclose:

(1) dependence upon whether or not the page already exists;

(2) "resource identifier".

However, Nazem discloses (see abstract, figure 2) a user template that is either generated from user preferences or retrieved from a cache of recently used user templates.

Bij nagte discloses communicating real estate information (a resource identifier) between a host computer and a remote display terminal (see abstract).

It would have been obvious to one of ordinary skill in the art to combine the inventions to Blinn, Nazem, and Bij nagte in arriving at the instant invention because it would be faster to transmit a page that already exists (as in the use of Nazem's cache) rather than always re-create pages that already exist (as in Blinn's

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invention). It would have been obvious to one of ordinary skill in the art to apply Blinn and Nazem to the field of real estate marketing (as in Bijnagte's invention) because it was well known at the time of the invention to provide such information on the Internet. It would also allow realtors to provide custom templates for individual clients for the purpose of showing properties.

As per dependent claims 3-4 and 7-8, (and similarly, claims 13-14, 17-18, and 23), it is noted that Blinn and Nazem fail to teach details of "real estate identifier". However, it would have been obvious to one of ordinary skill in the art at the time of the invention to teach such details in view of Bijnagte's disclosure, which is directed toward providing real estate information, and in view of Blinn's disclosure of processing merchant information (see columns 7-12, e.g., column 10, lines 5 et seq--The merchant system 120 provides a set of HTML pages dynamically generated from queries to a database 121 having store information, such as inventory data, advertising copy, product images, pricing, customer information and promotions.) One of ordinary skill in the art would be motivated to process queries that include "ISPID", etc., in order to help the user to narrow searches.

8. **Claims 9-11, 19-20, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn et al (5,897,622), Nazem et al (5,983,227), Bijnagte (5,235,680) as applied to claims 1-8, 12-18, and 21-24 above, and further in view of Anderson et al (5,974,396) (listed on Applicant's IDS).**

As per dependent claims 9-11, 19-20, and 25-26, it is noted that Blinn, Nazem, and Bijnagte fail to disclose "compiling and maintaining statistics" based on the marketing code or "report function". However, refer to Anderson's abstract; figures 1, 6, 12A, and 13; and columns 5-12. Anderson discloses gathering and analyzing customer and purchasing information based on buying habits, needs, demographics, etc. Anderson's system is used to generate reports in response to retailer queries. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Anderson with those of Blinn, Nazem, and Bijnagte

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in arriving at the instant invention because it would allow realtors to conveniently gather demographic details and other marketing data for their clients and for the realtors themselves.

9. **Claim 5 is rejected under 35 U. S. C. 103 (a) as being unpatentable over Blinn et al., Nazem et al, and Bijnagte, as applied to claim 1 above, and further in view of Kirkevold et al. (6,263,322).**

As per dependent claim 5, Blinn et al. does not specifically teach a VIN code. However, Kirkevold et al. teaches querying via VIN code (Kirkevold et al. column 17 lines 35-56). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkevold et al. to Blinn et al., providing Blinn et al. the benefit of vehicle identification as part of resource identifiers, to broaden the scope of querying.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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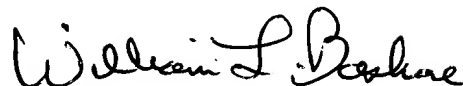
11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).



William L. Bashore
Patent Examiner, AU 2176
May 30, 2004